IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 281 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 17/02/2005 in WP NO : 21279 OF 2000 on the file of the High Court.)

Between:

Capt. G.G.K. Raju, S/o Surapa Raju,
R/o No. 175, Sector-A, A.W.H.O. Colony, Secunderabad-9.

..... APPELLANT

AND

1 A.P. State Financial Corporation, rep. by its Chief General Manager, Chirag Ali Lane, Hyderabad-2.
2 The A.P. State Financial Corporation, Ranga Reddy (West) Branch, rep. by its Asst. General Manager, D.No. 5-8-342, Ground Floor, Chirag Ali lane, Hyderabad.
3 Smt. Vidyavathi Giri, S/o D.K. Giri, R/o 210, Gunrock Enclave, Road No. 12, Karkhana, Secunderabad - 500 009.

.....RESPONDENT(S)

Counsel for the Appellant:MR.P.M.GOPAL RAO

Counsel for the Respondent Nos.1 & 2: MR.Y.N.LOHITA

Counsel for the Respondent No.3:Mr. R.V. Subba Rao

The Court made the following Oral Judgment: (Per Sri Devinder Gupta, CJ)

The appellant-writ petitioner had questioned the action of the respondent-

Corporation in auctioning the property for recovery of its dues. The writ petition was dismissed. Appeal is against the said order.

Learned counsel for the appellant states that appellant is really inclined to have the dispute settled with the respondent-Corporation under "One Time Settlement" Scheme on whatever conditions the respondent-Corporation would like to impose.

Learned Standing Counsel for the respondent-Corporation also states that auction of the factory of the appellant in favour of the 3rd respondent already stands cancelled and there is no hitch in the respondent-Corporation considering the proposal of the appellant for "One Time Settlement".

Learned counsel for the auction purchaser-Respondent No.3 submits that the action of respondent-Corporation in cancelling the auction is bad in law.

The controversy which has arisen, admittedly, is beyond the scope of writ jurisdiction. We cannot now take any decision on the question as to whether the action of the respondent-Corporation in cancelling the auction in favour of the 3rd respondent is or is not bad in law, for which, it would be open for the auction purchaser to take recourse to appropriate remedies available to her in accordance with law.

However, in so far as the appellant is concerned, since the respondent-Corporation is willing to consider the representation of the appellant for "One Time Settlement, we dispose of the appeal, set aside the impugned order and dispose of the writ petition also with liberty reserved to the appellant-writ petitioner to approach the respondent-Corporation for "One Time Settlement". If the appellant approaches the respondent-Corporation with such a request, the respondent-Corporation will consider and take appropriate decision in the matter in accordance with law and convey the same to the appellant. No costs.

DEVINDER GUPTA,CJ

DATE: 28th February, 2005

B. SESHASAYANA REDDY,J

Pnb

To

1. The Chief General Manager,

A.P. State Financial Corporation,
Chirag Ali Lane, Hyderabad-2.

2 The A.P. State Financial Corporation, Ranga Reddy (West) Branch,
rep. by its Asst. General Manager, D.No. 5-8-342, Ground Floor,
Chirag Ali lane, Hyderabad.

3 Smt. Vidyavathi Giri, S/o D.K. Giri,
R/o 210, Gunrock Enclave, Road No. 12, Karkhana,
Secunderabad-500 009.

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